

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re: Larry E. Charles, and	:	Bankruptcy Case No.: 19-10095-TPA
Shirley M. Charles,	:	
	:	Chapter 12
Debtors.	:	
Larry E Charles and,	:	Document No.:
Shirley M. Charles,	:	
	:	Related to Document No.:
Movants,	:	
	:	
v.	:	
	:	
Pennsylvania Department of Revenue,	:	
United States of America, Helmuth Farms,	:	
Venango County Tax Claim Bureau,	:	
IRS, CNH Industrial Capital America, LLC,	:	
Bank of America, N.A., John Deere	:	
Financial, Windstream, Quantum3 Group,	:	
NewRez LLC d/b/a Shellpoint Mortgage	:	
Servicing, Fairport Asset Management II,	:	
LLC,	:	
	:	
Respondent.	:	

ORDER OF COURT

AND NOW, this _____ day of _____, 2021, upon consideration of the Debtors' Motion To Sell Real Property, Free and Clear of Liens, Claims and Encumbrances in Accordance with 11 U.S.C. § 363 after a hearing held by telephonic conference the Court finds:

SALE OF REAL PROPERTY:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for private sale:

DATE OF SERVICE

NAME OF LIENOR/ SECURITY HOLDER

December 11, 2020

U.S. Department of Agriculture Farm Service Agency, Fairport
Asset Management II, LLC, Venango County Tax Claim Bureau,

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion and Proposed Order.

(3) That said sale hearing was duly advertised on the Court's website pursuant to *W. PA LBR 6004-1(c)(2)*, on December 14, 2020.

(4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$265,000.00 offered by Shawn M. Charles was a full and fair price for the property in question.

(6) That the Purchaser has acted in good faith with respect to the within sale under §363(f).

NOW THEREFORE, it is hereby ***ORDERED, ADJUDGED AND DECREED***

that the sale of the real property is hereby ***CONFIRMED*** to Shawn M. Charles, for \$265,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

It is ***FURTHER ORDERED***, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale in the same priority and nature, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

It is ***FURTHER ORDERED***, that this Court authorizes the sale of the real property on

_____ to Shawn M. Charles;

It is ***FURTHER ORDERED***, that the proceeds the sale of the real property shall distributed as follows:

- a. U.S. Department of Agriculture Farm Service Agency shall be paid the balance of the amount owing as of January 31, 2021 on the secured claim filed at claim 2, in the amount of \$111,310.57, said payment shall be made directly to the creditor at the time of closing.
- b. Venango County Tax Claim Bureau shall be paid the balance of the amount owing as of January 31, 2020 on the secured claim filed at claim 4, in the amount of \$52,529.66, said payment shall be made directly to the creditor at the time of closing.
- c. Fairport Asset Management II, LLC shall be paid the balance of the amount owing as of the closing date on the secured claim filed at claim 13, in the amount of \$60,999.58

plus interest at the rate of \$10.61 *per diem* from and after February 3, 2021 through closing, plus recoverable fees and expenses owing at the time of sale, said payment shall be made directly to the creditor at the time of closing.

- d. The remaining balance shall be remitted to the Chapter 12 Trustee for distribution consistent with the confirmed Chapter 12 Plan dated September 12, 2019.

It is ***FURTHER ORDERED*** that:

- (1) ***Within seven (7) days of the date of this Order***, the Movant shall serve a copy of the within *Order* on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.
- (2) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

Thomas P. Agresti
United States Bankruptcy Court Judge